

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ANTONIO BREAKMAN,	)	3:10-CV-0633-ECR (VPC)
	)	
Plaintiff,	)	<b><u>MINUTES OF THE COURT</u></b>
	)	
vs.	)	October 20, 2011
	)	
MICHAEL B. KOEHN,	)	
	)	
Defendant.	)	
_____	)	

PRESENT: THE HONORABLE VALERIE P. COOKE, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: LISA MANN REPORTER: NONE APPEARING

COUNSEL FOR PETITIONER(S): NONE APPEARING

COUNSEL FOR RESPONDENT(S): NONE APPEARING

**MINUTE ORDER IN CHAMBERS:**

Defendant has filed a motion for leave to file Exhibit A to defendant's motion for summary judgment under seal (#36). In response, plaintiff has filed a motion to strike that exhibit (#43). Defendant opposed that motion (#45). No reply was filed.

Defendant's motion for leave to file Exhibit A under seal (#36) is **GRANTED**. Plaintiff's motion to strike (#43) that exhibit is **DENIED**. Plaintiff may view the sealed exhibit by following the procedures outlined defendant's motion to seal (#36) and pursuant to applicable Administrative Regulations of the Nevada Department of Corrections.

Also before the court is plaintiff's motion to stay summary judgment pending discovery compliance and ruling on Rule 35 motion (#42). Defendant responded (#46) that responses to discovery were to be served on September 21, 2011, and that defendant had no objection to a reasonable extension of time for plaintiff to respond to the motion for summary judgment. Plaintiff's Rule 35 motion was denied in August 2011 (#40). Therefore, plaintiff's motion to stay summary judgment pending discovery (#42) is **GRANTED in part**. Plaintiff shall have to and including **Friday, November 4, 2011** to file an opposition to defendant's motion for summary judgment (#35).

No further extensions of time shall be granted for any reason. Plaintiff is cautioned that pursuant to Local Rule 7-2(d), the failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion. If plaintiff fails to timely file an opposition, defendant's motion for summary judgment shall be submitted to the court as unopposed.

**IT IS SO ORDERED.**

LANCE S. WILSON, CLERK

By:                     /s/                      
Deputy Clerk